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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,150	04/02/2004	Artoun Ramian	6500-019	1174

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Law Office of William B. Ritchie  
43 Jackson Street  
Concord, NH 03301

EXAMINER
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CHOW, YUK

ART UNIT	PAPER NUMBER
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2609

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/817,150

Applicant(s)

RAMIAN, ARTOUN

Examiner

Yuk C. Chow

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All; b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The use of the trademark PALM PILOT has been noted in this application. It should be capitalized and in the bracket wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 14, the phrase "thus the "O" shape trace..." in line 4 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillespie et al. (US Patent 5,880,411).

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As to claim 1, Gillespie discloses an input apparatus (Fig. 1) which serves as an input interface (Col. 5 lines 30-43) for other electronic devices comprising: an input surface (Fig. 1(10)) comprising: a plurality of pressure sensitive sensors (Fig 2A,B,C,D(22) which area adapted to track the movement of an implement which comes exerts pressure on said input surface (Col. 5 lines 44-65); such that pressure exerted on said input surface by a user using the implement activates at least one of said sensors which provides at least one line thus defining a trace path (Col. 9 lines 55-61); a memory having a database which serves to store said trace path (host computer, see Col. 6 lines 39-46); association means for associating said trace path with a symbol that is known to the user thus providing an association (Col. 48 lines 46-50, one to one correspondence between samples and data); output means for transmitting said symbol to said input apparatus (Col 9 lines 3-19 see Fig. 1).

As to claim 2, Gillespie discloses an input apparatus of claim 1 wherein said input surface further comprises a series of interconnected channels (Fig 2C(26)) which serves to guide said implement along said sensors.

As to claim 3, Gillespie discloses an input apparatus of claim 2 wherein the implement is a stylus (Col. 32 line 60- Col. 33 line 4).

As to claim 4, Gillespie discloses an input apparatus of claim 2 wherein the implement is the finger of the user (Col. 5 lines 44-52 also see Fig. 1 (8)).

As to claim 10, Gillespie discloses input apparatus of claim 1 wherein said sensors of said input surface is a plurality of micro-switches (Fig 2A(34), 2B(34), also see Col. 5 lines 44-65).

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As to claim 11, Gillespie discloses an input apparatus of claim 1 wherein said input surface is a touchpad (Fig 1(10)).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5- 9, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (US Patent 5,880,411) in view of Middleton (US Patent 7,170,496) .

As to claim 5, Gillespie discloses an input apparatus of claim 2 above.

However, Gillespie does not teach the most recent trace path is at least partially illuminated.

Middleton teaches an input system, which provide visual feedback in the form of highlight of indicated a stroke trace (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate visual feedback of Middleton's into an input apparatus of Gillespie's because it enables pre-emptive correction of errors and quick learning as suggested by Middleton (see abstract).

As to claim 6, Gillespie discloses an input apparatus of claim 5 above.

However, Gillespie does not teach the trace path is associated corresponds to a glyph selected from the group consisting of characters of any language, numerical characters, mathematical symbols and other symbol well known to the user.

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Middleton teaches a selection of symbol and numerical characters (Fig. 1).

As to claim 7, Gillespie discloses an input apparatus of claim 5 above.

However, Gillespie does not teach the trace path is associated corresponds to at least one command that activates a device that is connected to said output means of said input apparatus.

Middleton teaches an application of treating gesture as the function keys (F1-F12, see Col. 6 lines 61-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that function keys associates with command that activates a device or program.

As to claim 8, Gillespie discloses an input apparatus of claim 7 above. Gillespie also teaches that device is a computer (Col. 5 lines 44-52).

As to claim 9, Gillespie discloses an input apparatus of claim 8 above.

However, Gillespie does not teach that device is a mobile telephone.

Middleton teaches a mobile phone application (see Abstract).

As to claim 12, Gillespie discloses an input apparatus of claim 10.

However, Gillespie does not teach input surface is integrated in the traditional keypad of a telecommunication device.

Middleton teaches a conventional phone keypad application (Fig. 4).

As to claim 13, Gillespie discloses an input apparatus of claim 12.

However, Gillespie does not teach two levels of sensing capability.

Middleton teaches two implementations of sensing capability (Col. 4 lines 12-41), the sensors are capable of distinguishing light pressure from a firmer one (Col. 3 lines 41-60).

As to claim 14, Gillespie teaches an input apparatus of claim 6 above.

However, Gillespie does not teach trace path to character mapping.

Middleton teaches an alphabetic mapping system which gives users ability to modify and define mappings (Col. 5 lines 41-60).

As to claim 15, Gillespie teaches an input apparatus of claim 1 above.

However, Gillespie does not teach trace path is associated with a plurality of multiple symbols.

Middleton teaches a gesture system including symbol indication (Col. 5 lines 61-Col. 6 lines 17; also see Fig. 1).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (US Patent 5,880,411) in view of Herbst et al. (US Patent 4,128,829).

As to claim 16, Gillespie discloses an input apparatus of claim 1 above.

However, Gillespie does not teach biometric data capture means for measuring the speed and pressure set of user identification.

Herbst teaches an apparatus which can dynamically sample biometric data and compare to a reference data (see Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dynamic data sampling method of Herbst's into Gillespie's input apparatus. According to Herbst, who suggests that it will be a great

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improvement to user authenticity (See Col. 2 lines 54- Col. 3 lines 5) and it is also desired in a system which can successfully provide rejection of forged signatures and yet allow a very high percentage of authorized biometric data to pass through the system without false rejection.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuk C. Chow whose telephone number is 571 270-1544. The examiner can normally be reached on 8-6 M-TH E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 270-1550. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YCC

  
AMARE MENGISTU  
SUPERVISORY PATENT EXAMINER